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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	79014936
Applicant	RIGHT-ON CO., LTD.
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Date	05/21/2007

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re the Application of: Right-On Co., Ltd. Trademark Attorney: Gina Fink
Application No.: 79/014,936 Law Office: 109
Filed: July 8, 2005 Docket No.: 128692
Mark: Design

MOTION TO CONSOLIDATE

Applicant Right-On Co., Ltd., by and through counsel, hereby requests that the Board order consolidation of appeals for Application Nos. 79/014,936 and 79/014,939. Cause to consolidate is discussed below.

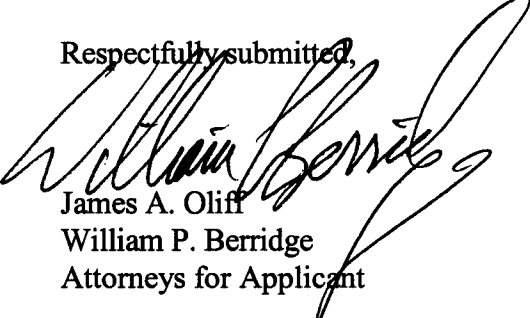
The decision to consolidate cases is a matter of discretion for the Board. The Board may consolidate cases involving common questions of law or fact. *See, e.g., S. Industries Inc. v. Lamb-Weston Inc.*, 45 USPQ2d 1293, 1297 (TTAB 1997) (both proceedings involved the same mark and virtually identical pleadings). Even in cases where marks vary, the Board has ordered consolidation for reasons including judicial economy. *See, e.g., Ritchie v. Simpson*, 41 USPQ2d 1859 (TTAB 1996), *rev'd on other grounds*, 170 F.3d 1092, 50 USPQ2d 1023 (Fed. Cir. 1999) (cases consolidated despite variations in marks and goods).

The Board will save time, effort and expense by consolidating the above-mentioned appeals. The subject marks in both appeals belong to the same Applicant, as represented by the same counsel. In both cases, Applicant appeals from the same Trademark Examining Attorney's denial to register Applicant's design marks. In both cases, the Examining Attorney denied

registration of side-by-side stitching designs under §§ 1, 2, and 45 of the Trademark Act on the same grounds and the same evidence. The only difference between both applications and appeals is the particular stitching design of Applicant's mark. Aside from references to the specific design of each mark, the Examining Attorney's grounds for refusal and Applicant's factual background, legal arguments and supporting authority in both Appeal Briefs are identical.

In accordance with the foregoing, Applicant moves to consolidate the appeals for Application Nos. 79/014,936 and 79/014,939.

Respectfully submitted,



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